

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

Defendant.

[illegible]

**CIVIL ACTION NO. 9:19-CV-00015-RC**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

The court referred this case to the Honorable Zack Hawthorn, United States Magistrate Judge, for pre-trial proceedings. Pending before the court is Defendant Deutsche Bank's "Motion to Dismiss." Doc. No. 13. Also pending before the court are Plaintiff Brian Smith's "Motion for Summary Judgment" (Doc. No. 16) and "Motion for Demand for Default." Doc. No. 6. The court has received and considered the report of the magistrate judge (Doc. No. 18), which recommended granting Defendant's "Motion to Dismiss." The magistrate judge recommended denying Smith's "Motion for Final Summary Judgment" and Smith's "Motion for Demand for Default." Smith has since filed a "Notice to the Court of Additional Exhibits" (Doc. No. 22), which the court construes as objections to the Report and Recommendation.

A party who files timely written objections to a magistrate judge's report and recommendation is entitled to a *de novo* determination of those findings or recommendations to which the party specifically objects. 28 U.S.C. § 636(b)(1)(c); FED. R. CIV. P. 72(b)(2)–(3). “Parties filing objections must specifically identify those findings [to which they object]. Frivolous, conclusive or general objections need not be considered by the district court.” *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996) (en banc).

The court has conducted a *de novo* review of the magistrate judge's report and recommendation and has carefully considered Smith's objections. The court finds that the magistrate judge's conclusions are correct but will briefly address Smith's objections here.

Smith submitted a “Notice to the Court of Additional Exhibits” on September 9, 2019, stating that the court requested the attached information. It is unclear what exactly Smith is referring to as there were no requests for such information. The exhibits filed by Smith relate to a loan payment notice, deed of trust, adjustable rate note, warranty deed with vendor's lien, and release of lien. Doc. No. 22. Although the court liberally construes these exhibits as objections to the magistrate judge's Report and Recommendation, the exhibits themselves do not specifically object to the Report and Recommendation. In fact, Smith does not refer to the Report and Recommendation anywhere in his “Notice to the Court of Additional Exhibits.” Doc. No. 22. Because the notice does not specifically identify the findings to which Smith objects, the court finds that the objections are without merit and “need not be considered by the district court.” *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996) (en banc).

It is, therefore, **ORDERED** that Smith's objections (Doc. No. 22) are **OVERRULED**, and the magistrate judge's report and recommendation (Doc. No. 18) is **ADOPTED**. Accordingly, it is further **ORDERED** that Smith's "Motion for Final Summary Judgment" (Doc. No. 16) and "Motion for Demand for Default" (Doc. No. 6) are **DENIED**. Defendant's "Motion to Dismiss" (Doc. No. 13) is **GRANTED**. A final judgment will be entered separately.

**So Ordered and Signed**

Sep 24, 2019

A handwritten signature in black ink, appearing to read "Ron Clark", written over a horizontal line.

Ron Clark, United States District Judge